

## REMARKS

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance.

In accordance with the Examiner's suggestion, Applicants have retained patent counsel for the prosecution of their application. A Power of Attorney is provided herewith appointing the undersigned as attorney for Applicants.

### *The Claims*

Prior claims 1-4 were canceled and claims 5-31 have been presented for consideration by the Examiner. Accordingly, Applicants submit that because claims 1-4 have been canceled, the Examiner's objections and rejections have been obviated.

Applicants have presented new claims 5-31 and will address the prior art cited by the Examiner in view of these newly-presented claims.

Independent claim 5 specifies:

5. A base for supporting a strainer or colander above a sink/basin surface, said base comprising:
  - a body portion having an upper end and a lower end, said lower end of said body portion being placeable on the sink/basin surface, the strainer or colander being placeable on said upper end of said body portion, said upper end being spaced a predetermined distance apart from said lower end; and
  - at least one aperture provided through said body portion for allowing water to flow freely therethrough at all times;
  - a passageway from said upper end to said at least one aperture, said water flowing freely from the strainer or colander, through said passageway and then through said at least one aperture; and
  - wherein said body portion is a separate member from the strainer or colander.

The Examiner cited United States Patent Nos. 4,626,352 to Massey and 5,853,581 to Rayborn. Applicants will address each of these references in turn.

Massey discloses a strainer 4 which placeable in a vessel 2. A lid 3 may be placed over the vessel 2 when the strainer 4 is mounted therein. Vessel 2 is formed from planar bottom wall 5 and a side wall 6 which upstands therefrom. The upper end of the side wall 6 is open to allow entry of the strainer 4 therein. In use, the strainer 4 is pivoted within the vessel 2 until it is jammed against the vessel 2. Thereafter, the vessel 2 is tipped so that the liquids in the vessel 2 pass through the strainer 4, while the solids remain in the vessel 2.

The Massey invention is quite different from the present invention specified in the claims. The vessel 2, which would be equatable to the body portion of the claims, does not have the combination of at least one aperture provided through the body portion and a passageway from the upper end to the at least one aperture through which water flows freely from the strainer or colander, through the passageway and then through the at least one aperture as is specified in amended claim 5.

Therefore, Applicant submits that Massey does not anticipate or render obvious the present invention as is defined by claim 5. Entry, consideration and allowance of claim 5 is requested.

Claims 6-31 are dependent upon claim 5 which Applicants submit is in condition for allowance. Entry, consideration and allowance of claims 6-31 is requested.

Rayborn discloses a colander 1 which is placeable on a liquid storage container 3. The container 3 is formed from planar bottom wall and a side wall which upstands therefrom. The upper end of the side wall is open to allow entry of the colander 1 therein. A drain valve 11 is provided at the lower end of the container 3 to allow for the release of fluid when the drain valve 11 is opened. The invention of the Rayborn invention is to drain liquids through

the colander 1 and store the drained liquids in the container 3 until the container 3 is full.

Thereafter, the drain valve 11 is opened to allow the drained fluids to be drained therefrom.

Claim 5 specifies “a passageway from said upper end to said at least one aperture, said water flowing freely from the strainer or colander, through said passageway and then through said at least one aperture”. Applicants submit that the valve 11 prevents the free flow of fluids therethrough *at all times* as is specified in claim 5. The at least one aperture of claim 5 is valve-free.

Therefore, Applicant submits that Rayborn does not anticipate or render obvious the present invention as is defined by claim 5. Entry, consideration and allowance of claim 5 is requested.

Claims 6-31 are dependent upon claim 5 which Applicants submit is in condition for allowance. Entry, consideration and allowance of claims 6-31 is requested.

Further, Massey does not disclose two apertures in the container as defined in claim 6; that the at least one aperture is a plurality of spaced apart apertures in the upper end as defined in claim 7 or that has the structure defined in claims 8-10; that the at least one aperture is a plurality of spaced apart apertures in the lower end as defined in claim 11 or that has the structure defined in claims 12-14; that the at least one aperture is a plurality of spaced apart apertures in the upper end and a plurality of spaced apart apertures in the lower end as defined in claim 15 or that has the structure defined in claims 16-19; that the at least one aperture is formed by said upper end, said lower end and a plurality of ribs which space adjoining apertures apart from each other as defined in claim 20 or that has the structure defined in claims 21 and 22. Massey further does not disclose that the lower end of the container has a dimension which is greater than a dimension of the upper end of the container as defined in claims 24 or 26 or the specifics of same in claim 25.

Therefore, entry, consideration and allowance of these claims is respectfully requested.

### ***The Specification***

In addition, Applicants have amended their specification to place it in a more proper form to ensure that proper support has been provided for the claim language. Applicants submit that no new matter has been entered and the specification is of the same scope as the substitute specification entered by the Examiner. Entry and consideration is requested. Applicants have provided a marked up version of the substitute specification as Attachment A and a substitute specification in a clean form as Attachment B in compliance with 37 C.F.R. §1.125. For the Examiner's convenience in determining the amendments to the specification, paragraphs which have been added in whole have been underlined.


### ***The Drawings***

Applicants have amended their drawings to include reference numerals and to show Figures 1A, 2A, 3A, 4A and 5A which illustrates the base being used with a prior art strainer/colander. Applicants submit that no new matter has been included. Entry and consideration is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact the undersigned attorney at (312) 704-1890.

Respectfully submitted,

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